

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Richard A. Holl Examiner: Tra, Tuyen Q
 Serial No. 09/917,188 Group Art Unit: 2873
 Filed: July 27, 2001 Docket No. 58035-012100
 Title: FLEXURELESS MAGNETIC MICROMIRROR ASSEMBLY

CERTIFICATE UNDER 37 CFR 1.6(d)

I hereby certify that this correspondence and identified enclosures are being transmitted via facsimile only to Examiner Tuyen Q. Tra, Unit 2873, Facsimile No. (703)-305-3579 on March 10, 2003.


 Shurika L. Thomason

Response to Restriction Requirement

Box Amendment
 Commissioner for Patents
 Washington, D.C. 20231

Sir:

Responsive to the Office Action mailed December 14, 2002, kindly enter the following provisional election: Applicant provisionally elects, with traverse, Group I Claims 1-39, drawn to an optical fiber switch.

Additionally, claims 40-79 are withdrawn from consideration by the Examiner from further examination. It is requested that the claims withheld from further examination remain in this case.

03/20/2003 AJOWHIS01 00000007 501561 09917188
 01 FC:1251 110.00 CH

The requirement for restriction by the Examiner is respectfully traversed because of the close relationship between the claims of Group I and Group II. A search of the claims of provisionally elected Group I, directed to an optical fiber switch, will necessarily encompass the search of the claims of Group II, since the claims of Group I are drawn to an optical fiber switch which may be disclosed in a patent that relates to the micromirror device of Group II.

\\LA-SRV01\173872v01

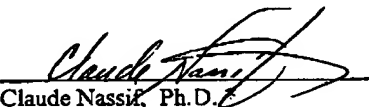
The searches are interwoven, and it is well known that the excellent classification system of the United States Patent and Trademark Office is much more detailed than the actual separate status of fields known to the art. Therefore, Applicant does not traverse the restriction requirement on the grounds of lack of patentable distinctness. Rather, applicants traverse the restriction requirement on the grounds that a sufficient burden to require restriction does not exist and that the inventions are sufficiently related to preclude restriction notwithstanding the existence of patentable distinctness. Accordingly, the Examiner's request is burdensome, not only on the applicant but also the public, as it would require multiple patents to cover the technology of the claims of the invention. Applicant respectfully requests that the restriction requirement be withdrawn.

Applicant has complied with all requirements made in the communication. Accordingly, examination of this application on the merits is respectfully requested. Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicants' undersigned agent.

The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1561.

Respectfully submitted,

Date: 3-10-2003


Claude Nassir, Ph.D.
Patent Agent
Reg. No. 52,061

GREENBERG TRAURIG, LLP
2450 Colorado Avenue
Suite 400E
Santa Monica, CA 90404
Phone: (310) 586-7700
FAX: (310) 586-7800

2873

09/9/17/88

Transmittal Cover Sheet

Company: United States Patent and Trademark Office
Attn: Examiner Tuyen Q. Tra
Fax Number 1-703-305-3579
Phone Number
FROM Shurla L. Thomason,
Assistant to Claude Nassif
File Number 58035.012100
Comments Please find attached:

RECEIVED
MAR 13 2003
TECHNOLOGY CENTER 2800

1. Response to Restriction Requirement

Please acknowledge receipt by returning a "date stamped" copy of this cover page to fax number 310-586-0271. Thank you.

Date March 10, 2003
Time
No. Pages Including this cover sheet 3

Please notify us immediately if not received properly at 310-586-7700.

The information contained in this transmission is attorney privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone collect and return the original message to us at the address below via the U.S. Postal Service. We will reimburse you for your postage. Thank you.

2450 Colorado Ave., Suite 400E, Santa Monica, California 90404 (310) 586-7700 Fax (310) 586-7800